



PLANNING COMMISSION SYNOPSIS

Wednesday, April 9, 2008

5:00 p.m. STUDY SESSION

Riparian Corridor Policy

ROOM LOCATION T-332

6:30 p.m. General Plan & Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair

Randi Kinman, Vice-Chair

Xavier Campos

Matt Kamkar

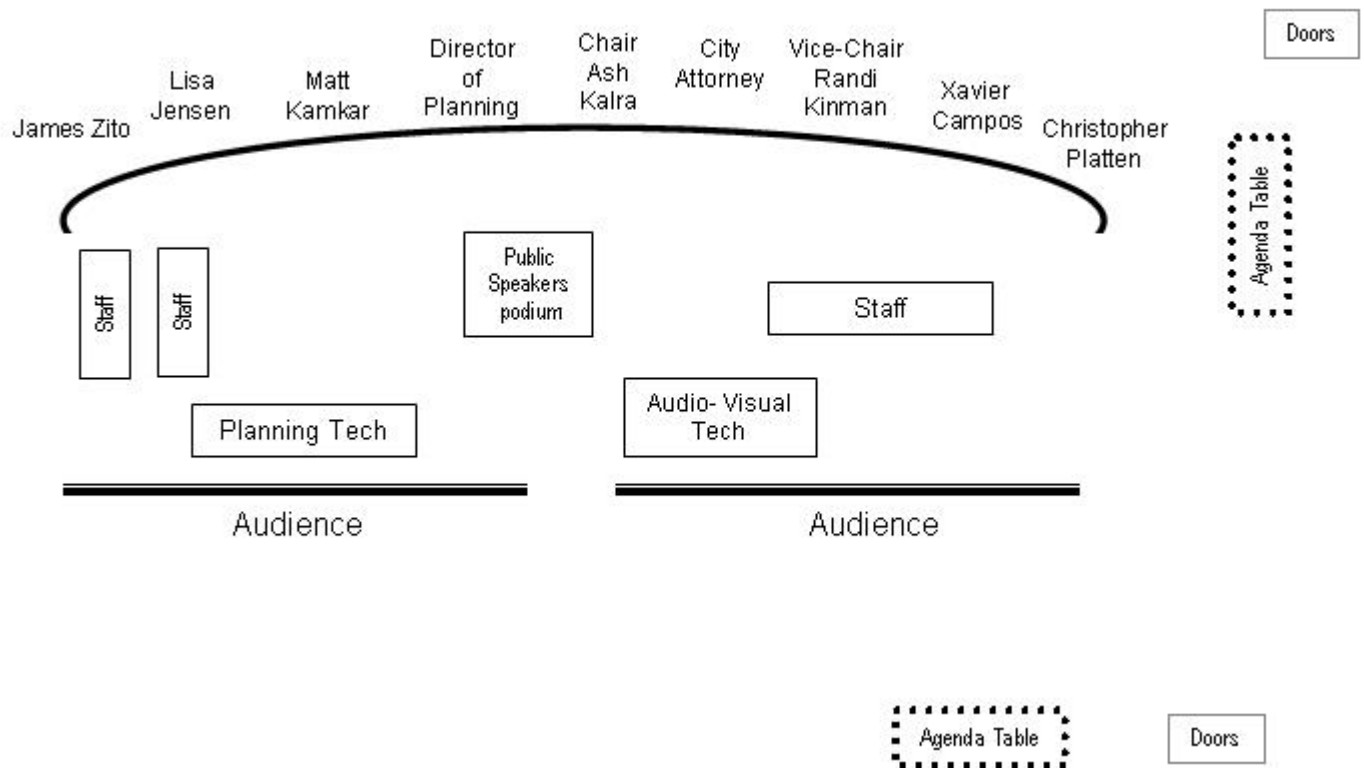
Jim Zito

Lisa Jensen

Christopher Platten

Joseph Horwedel, Director
Planning, Building and Code Enforcement

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoséca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanjosé.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Note: If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email carmen.stanley@sanjoséca.gov

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **PDC07-097**. Planned Development Rezoning from the A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 29 single-family detached residences on a 7.24 gross acre site, located on the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) (Joey and Frances Lo, Owners). Council District 8. SNI: None. CEQA: Incomplete. Deferred from 2/27/08. *PROJECT MANAGER, R.MATHEW*

DROPPED (7-0-0)

3. CONSENT CALENDAR

- a. **CP07-062**. Conditional Use Permit request to allow a private club and banquet facility uses on a 0.26 gross acre site in the CP-Pedestrian Commercial Zoning District located on the north side of Shamrock Drive, approximately 250 feet westerly of South Bascom Avenue (2211 Shamrock Drive)(Santa Maria Association/De Calosa Inc, Owner). Council District 9. SNI: None. CEQA: Exempt. Deferred from 03/26/08. *PROJECT MANAGER, S.MALLICK*
- b. **CP06-071**. Conditional Use Permit to demolish an existing 2,100 square foot gas station building and associated fueling canopy, and to construct a 3,200 square foot gas station, convenience store, car-wash, and new canopy on a 0.64 gross acre site in the CP Pedestrian Commercial Zoning District, located on the northeast corner of Berryessa Road and Lundy Avenue (1715 BERRYESSA RD) (Thuong Van Lam, owner). Council District 4. SNI: None. CEQA: Exempt. Deferred from 3/26/08. *PROJECT MANAGER, J.DAVIDSON*

APPROVED (7-0-0)

- c. **CP07-051**. Conditional Use Permit to construct 15,401-square-foot drive-through pharmacy (Rite Aid) and allow off-sale of alcoholic beverages at an existing shopping center on a 10.31 gross acre site in the CN Neighborhood Commercial Zoning District, located on the northeast corner of E. Capitol Expressway and Tuers Road (3111 MCLAUGHLIN AV)(H K N IV LLC, Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (7-0-0)

- d. **CP07-085**. Conditional Use Permit request to allow a 2,950 sq. ft. expansion of a ministry center at an existing church on a 3.19 gross acres site in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Cottle Road and Curie Drive (366 St. Julie Drive)(Roman Catholic Bishop of San José, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.MALLICK*

DEFERRED TO 04/21/2008 (7-0-0)

- e. **CP07-103**. Conditional Use Permit Renewal to extend the term of an existing eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily on a 0.18 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the northwest corner of E. Santa Clara Street and North Third Street (MISSION ALE HOUSE) (97 E SANTA CLARA ST)(Morgan Stanley Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.MCMORROW*

APPROVED (6-0-0-1)

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **ORDINANCE AMENDMENT**. An Ordinance Amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow businesses that maintain a valid entertainment permit under Title 6 of the San José Municipal Code the ability to obtain a sidewalk café permit to operate a sidewalk café in the downtown, to allow retail sales establishments the ability to operate a sidewalk café, and making other clarifying changes to said Part 12 of Chapter 20.100 (the sidewalk café permitting process) and to related definitions set forth in Chapter 20.200, all of Title 20 to related definitions set forth in Chapter 20.200 all of Title 20 of the San José Municipal Code. CEQA: Exempt. PP06-041. *PROJECT MANAGER, J.HAMILTON*

RECOMMENDED APPROVAL WITH CONDITIONS (4-3-0; CAMPOS, KINMAN, AND PLATTEN OPPOSED); WITH 2:00 A.M. CLOSING AND CONTINUATION OF DOWNTOWN WORKING GROUP.

- b. **ORDINANCE AMENDMENT**. An Ordinance of the City of San José Amending Chapter 20.95 and Chapter 20.100 of Title 20 of the San José Municipal Code, the Zoning Ordinance, to Amend Sections 20.95.020, 20.95.110 and 20.100.480(F) to change and reflect the applicability and conformance threshold requirements for this Chapter from the previous one gross acre threshold to the current 10,000 square foot threshold as required by City Council Policy 6-29, Post-Construction Urban Runoff Management. *PROJECT MANAGER, R.ROSS*

RECOMMENDED APPROVAL (7-0-0)

- c. **PDC06-018**. Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning to allow up to 6 single-family detached residences on a 0.69 gross acre site, located on the north side of Michigan Avenue approximately 350 feet easterly of North 1st Street (Schulman, Bennie and Linda S, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 03/26/08. *PROJECT MANAGER, L.MCMORROW*

PREVIOUSLY DEFERRED TO 05/28/07 FROM 03/26/08

- d. **PDC07-080**. Planned Development Rezoning from the IP - Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 239 single-family attached residences and 6,000 square feet of commercial uses on a 2.86 gross acre site, located on the northeast corner of Baypointe Parkway and Tasman Drive (166 Baypointe Py) (William H and Leila A Cilker Trustee, Owner; Trammell Crow Residential, Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR. Deferred from 3/26/08. *PROJECT MANAGER, J.BATY*

RECOMMENDED APPROVAL (7-0-0)

5. CONTINUE THE PLANNING COMMISSION SPRING 2008 HEARING ON GENERAL PLAN AMENDMENTS

6. GENERAL PLAN CONSENT CALENDAR

No items.

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. **GP07-04-04 & GP06-04-05**. The projects being considered are located on two sites: 1) GP07-04-04 is an approximately 13.68-acre site on the northeast corner of Junction Avenue and Dado Street; and 2) GP06-04-05 is an approximately 13.64-acre site on the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road. (San José V Investors, Applicant/UBS Realty Investors, Owner) Council District: 4. SNI: None. CEQA: EIR Resolution to be adopted. *PROJECT MANAGER, L.MCMORROW*

- 1) **Certification of Final Environmental Impact Report**. (EIR) prepared for Berryessa General Plan amendment and Junction/Dado General Plan amendment (File Nos. GP06-04-05 and GP07-04-04): General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 13.64-acre site on the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road and General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Heavy Industrial on a 13.68-acre site located on the northeast corner of Junction Avenue and Dado Street. Council District: 4.

CERTIFIED ENVIRONMENTAL IMPACT REPORT (7-0-0)

- 2) **GP07-04-04**. General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Heavy Industrial on a 13.68-acre site.

RECOMMENDED APPROVAL (7-0-0)

- 3) **GP06-04-05**. General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 13.64-acre site and request for Affordability Restrictions Agreement by and between San José V Investors and the City of San José requiring that 5% of the units be affordable to those making 30% or less of the Area Median Income

(ELI), 8% of the units be affordable to those making 50% of the Area Median Income (VLI), and 12% of the units be affordable to those making 60% of the Area Median Income (LI) within the residential development located at the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road, San José be offered and maintained thereafter as ELI, VLI, and LI housing units as described above and directing the City Clerk to cause these Restrictions to be recorded with the Recorder's Office of Santa Clara County after their full and complete notarization and execution. (San José V Investors, applicant/UBS Realty Investors, owner) Council District: 4.

RECOMMENDED APPROVAL (7-0-0)

- b. **GP08-09-01**. General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to General Commercial on a 4.5-acre site located on the northwesterly corner of Coniston Way and Blossom Hill Road (1345-1349 Blossom Hill Road)(Silverstone Communities, Applicant/Continental Centers, LLC. and Pamela S. and Randy A. Kelley, Owners) Council District: 9. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A. TAI*

RECOMMENDED APPROVAL (7-0-0)

- c. **GP07-06-01/GPT07-06-01**. General Plan land use and text amendment request to: 1. Amend the General Plan Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.15 acres of a 7.4-acre site. 2. Increase the maximum building height limit from 50 feet to 90 feet between Dudley Avenue and South Baywood Road. The site is located north of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, and east of Dudley Avenue (485 South Monroe Street) (Silverstone Communities, Applicant/Pacific Bell, Owner) Council District: 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A.TAI*

RECOMMENDED DENIAL (4-3-0; JENSEN, KALRA, ZITO OPPOSED)

8. CONTINUE THE PLANNING COMMISSION HEARING FOR THE SPRING 2008 GENERAL PLAN AMENDMENTS TO MONDAY, APRIL 21, 2008

9. PETITIONS AND COMMUNICATIONS

NONE.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE.

11. **GOOD AND WELFARE**

a. Report from City Council

Director Horwedel – Whole Foods on Blossom Hill approved. Council may cancel ABC process until Planning Commission makes a recommendation. Keesling 3-unit subdivision approved with conditions. Second Unit Ordinance approved with park fee set at 50% of SRO fee (Council Member Constant concerned that this amount is too high). Planning Commission will likely see illegally constructed units trying to be legalized as City performs enforcement.

b. Commissioners' report from Committees:

1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

No meeting yet.

2) Coyote Valley Specific Plan (Platten).

Final meeting of Taskforce this coming week. Recommendation to City Council on 4/22/08.

3) Parks Funding Subcommittee (Zito).

4) Envision San José 2040 General Plan Update Process (Kamkar).

Next meeting in 1-2 weeks.

c. Review of synopsis for 03/26/08.

Approved (7-0-0)

d. Consider Study Session dates and/or topics.

1) Add Study Session – 'By-Law Changes' on May 14th or 28th 2008

12. **ADJOURNMENT**

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review & Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing & Housing Element</i>	Room T-332
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-332
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers